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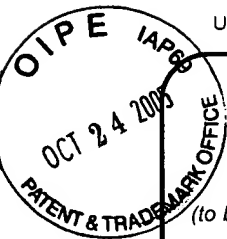
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/932,860
Filing Date	August 17, 2001
First Named Inventor	Carpenter et al.
Group Art Unit	1763
Examiner Name	R. Zervigon
Attorney Docket Number	2269-4880US (01-0170.00/US)

ENCLOSURES (check all that apply)

- ☒ Postcard receipt acknowledgment (attached to the front of this transmittal)
- ☒ Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16
- ☐ Preliminary Amendment
- ☒ Reply Brief in Response to Examiner's Answer mailed on August 23, 2005
- ☐ Amendment in response to office action dated
- ☐ Amendment under 37 C.F.R. § 1.116 in response to final office action dated
- ☐ Additional claims fee - Check No. in the amount of \$
- ☐ Letter to Chief Draftsman and copy of FIGS. with changes made in red
- ☐ Transmittal of Formal Drawings
- ☐ Formal Drawings (sheets)

- ☐ Information Disclosure Statement, PTO/SB/08A (08-00); ☐ copy of cited references
- ☐ Supplemental Information Disclosure Statement; PTO/SB/08A (08-00); copy of cited references and Check No. in the amount of \$180.00
- ☐ Associate Power of Attorney
- ☐ Petition for Extension of Time and Check No. in the amount of \$
- ☐ Petition
- ☐ Fee Transmittal Form
- ☐ Certified Copy of Priority Document(s)
- ☐ Assignment Papers (for an Application)

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Remarks

The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bradley B. Jensen	Registration No. 46,801
Signature		
Date	October 21, 2005	

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carpenter et al.

Serial No.: 09/932,860

Filed: August 17, 2001

For: HEATED GAS LINE BODY
FEEDTHROUGH FOR VAPOR AND GAS
DELIVERY SYSTEMS AND METHODS
OF EMPLOYING SAME

Confirmation No.: 6588

Examiner: R. Zervigon

Group Art Unit: 1763

Attorney Docket No.: 2269-4880US

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October 21, 2005
Date


Signature

Shawnee MacDonald
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REPLY BRIEF

Mail Stop Appeal Brief - Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 41.41(a)(1), this Reply Brief is filed in response to the Examiner's Answer mailed on August 23, 2005. The Reply Brief is submitted within two months from the mailing date of the Examiner's Answer pursuant to 37 C.F.R. § 41.41(a)(1).

APPELLANTS' REPLY TO EXAMINER'S ANSWER

The following comments and arguments are in response to the Examiner's arguments and assertion set forth in the Examiner's Answer mailed on August 23, 2005. It is noted that the

Claim 1

The Examiner asserts that Appellants arguments are merely attacks against the references individually and that one cannot show nonobviousness in such a manner. However, the Examiner does not point to any particular attacks against an individual reference by Appellants wherein the Appellants have failed to consider the teachings of the particular reference in light of the teachings of the additional references relied upon by the Examiner.

It is noted that *In re Keller*, 642, F.2d 413, 208 USPQ 871 (CCPA 1981) and *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986), which the Examiner relies on as authority for the prohibition of attacking references individually, are directed to situations where a party was arguing against a single reference without considering the teachings of additional references relied upon by an Examiner for a given obviousness rejection. While Appellants have pointed out certain deficiencies of the various references, Appellants have not attacked one given reference while ignoring the teachings of the other references that are relied upon by the Examiner. Indeed, as set forth in Appellants' Supplemental Appeal Brief (and as quoted by the Examiner), "Appellants respectfully submit that the combination of Sajoto, Whitney and Fukuda fails to teach or suggest a temperature sensing device, as defined in claim 1, that is *disposed between the layer of insulation and the longitudinal body portion of the feedthrough device.*" (Supplemental Appeal Brief, page 8 – underlined emphasis added, italics in original; see also

Examiner's Answer, pages 2 and 3). The paragraph following this statement (in the Supplemental Appeal Brief on page 8), as well as additional arguments regarding claim 1, make it clear that Appellants' arguments are directed to the combination of Sajoto, Whitney and Fukuda and aren't an attack on any of the references individually.

Appellants maintain their traversal of claim 1 on these grounds.

The Examiner further argues that there is "ample motivation in Whitney" for adding Fukuda's thermocouple to Whitney's heater. Specifically, the Examiner states that "once Whitney's heater is replaced with Sajoto's heater, [sic] the interface between Whitney's stainless steel 'thermally conductive sheathing' (46; Figure 4) and Sajoto's 'thermal insulator' (65; Figure 3A) would be obvious to one of ordinary skill in that art to add Fukuda's thermocouple (54a; Figure 5) to said interface." (Examiner's Answer, page 4)

To support this position, the Examiner cites column 7, lines 4-9, col. 1, lines 59-63 and column 3, lines 17-22 of Fukuda. (*Id.*) However, of these citations, the only one that appears to be relevant to the Examiner's proposed modification of Whitney's heater is the first citation which states that the "temperature controller 55a processes the temperature information by the control section thereof, and the amount of electricity supplied to the heater 13a is adjusted by a power supply provided within the temperature controller 55a." (Fukuda, col. 7, lines 4-8). It is noted that this is the very reason why one of ordinary skill in the art would *not* be motivated to modify the Whitney device in the manner proposed by the Examiner. Indeed, as admitted by the Examiner, the "*function* of [Whitney's] self-limiting component is to maintain the heater in the desired operating [temperature] range." In other words, Whitney's heater doesn't require a "temperature controller" as is required by Fukuda, which temperature controller is the sole

purpose for Fukuda utilizing a thermocouple.

Additionally, the Examiner has argued that even though Whitney's heater is admittedly self-limiting, it would be desirable to provide the thermocouple of Fukuda for "added control." (Examiner's Answer, page 5). However, the Examiner has not indicated what additional control is needed or desired in Whitney's device. Rather the Examiner asserts that "Whitney's self-limiting heater is only designed to be self-limiting in a larger operating range as taught by Whitney" and then makes the conclusory statement that "the addition of Fukuda's thermocouple to Whitney's heater is *not* redundant as Applicant contends, but adds to the overall control of process gas pipe delivery temperature control to add the above cited benefits." (*Id.*, emphasis in original).

It is noted that the portion of Whitney cited by the Examiner to support the heater being "only designed to be self-limiting in a larger operating range" is column 2, lines 25-40 which states:

In this specification, a material is defined as having a "positive temperature coefficient of resistance" if it increases in resistivity, in the temperature range of operation, sufficiently to render the heater self-regulating; preferably the material has an R_{14} value of at least 2.5 or an R_{100} value of at least 10, and preferably and R_{30} value of at least 6, where R_{14} is the ratio of the resistivities at the end and beginning of the 14° C. range showing the sharpest increase in resistivity; R_{100} is the ration of the resistivities at the end and beginning of the 100° C. range showing the sharpest increase in resistivity; and R_{30} is the ratio of the resistivities at the end and beginning of the 30° C. range

showing the sharpest increase in resistivity. (Whitney, col. 2, lines 25-38).

Appellants submit that this statement fails to indicate that the heater described by Whitney is “only designed to be self-limiting in a larger operating range” as asserted by the Examiner (and Appellants query as to what “larger operating range” is relative). Further, Appellants submit that this statement provides no indication that “added control” is desired or that such added control would result by incorporating the thermocouple as proposed by the Examiner.

As such, Appellants maintain that there is a lack of motivation to combine the teachings of the applied references in the manner proposed by the Examiner.

The Examiner additionally attacks Appellants’ position that Whitney’s use of the term “insulation” is inconsistent with the recitation of claim 1 regarding a layer of *thermal* insulation. The Examiner appears to argue that the use of the term “insulation” by Whitney is in a thermal sense but, in support such an argument, discusses the details of Whitney’s “thermally conductive sheathing.” Appellants’ contentions do not go towards whether Whitney’s sheathing (46) is thermally *conductive* or thermally *insulative*. Rather, Appellants’ contention is that if Whitney’s “insulation” (42/44/42) is considered to be *thermal* insulation, it would inhibit the transfer of heat from the internal heating element to any component outside of such insulation thereby rendering the heater inefficient at best.

Appellants, therefore, maintain that the proposed combination of Sajoto, Whitney and Fukuda fails to teach or suggest a temperature sensing device *disposed between the layer of insulation and the longitudinal body portion of the feedthrough device*, wherein the layer of

insulation is disposed between at least a portion of the thermally conductive sheathing of the heating device and the chamber body and substantially circumscribes the longitudinal body portion and the at least a portion of the thermally conductive sheathing.

Moreover, Appellants maintain that the proposed combination of Sajoto, Whitney and Fukuda fails to teach or suggest that the layer of thermal insulation is contiguous with at least one of a surface of the chamber body and a surface of the longitudinal body portion.

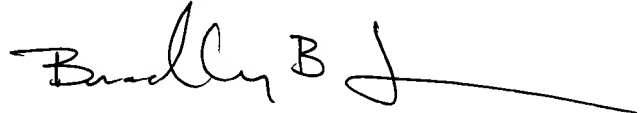
The Examiner contends that Sajoto's insulation is "contiguous with *all* of a surface of the chamber body (12; Figure 3A) and a surface of Sajoto's longitudinal body portion." (Examiner's Answer, page 6). However, the insulation of Sajoto does not appear to be contiguous, in accordance with the common definition thereof, with either Sajoto's chamber body (12) or the longitudinal body portion of the feedthrough device. Rather, Sajoto describes a gap (53) between the heater (and thus the longitudinal body portion) and the radiation shield (65). Further, there are several components disposed between the radiation shield (65) and the chamber body (12) making it impossible for such elements to be contiguous with one another.

Appellants, therefore, maintain that claim 1 is allowable over the combination of Sajoto, Whitney and Fukuda for the reasons discussed herein and in the Supplemental Appeal Brief.

CONCLUSION

Pursuant to 37 C.F.R. § 41.43(a)(1), Appellants respectfully request acknowledgement of receipt and entry of this Reply Brief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley B. Jensen", followed by a long horizontal line extending to the right.

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Date: October 21, 2005
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